**REMARKS**

The Office Action mailed September 26, 2006, in the nature of a requirement for restriction, has been carefully reviewed.

Restriction has been required among what the examiner considers to be two patentably distinct inventions, as follows:

Group I, claims 1-2, drawn to a hyperthermostable protease comprising the amino acid sequence of SEQ ID NO:1 or 5; and

Group II, claims 3-6, drawn to a polynucleotide encoding the hyperthermostable polypeptide wherein said polynucleotide hybridizes to SEQ ID NO:2 or 6 and a method of making said polypeptide.

Applicant hereby elects Group I, claims 1-2, drawn to a hyperthermostable protease comprising the amino acid sequence of SEQ ID NO:1 or 5, without traverse.

It is clear that the PTO considers the two groups to be patentably distinct from one another i.e., *prima facie* non-obvious from one another. Accordingly, in the event a prior art reference is found to be identical to one group, it would not render the other group *prima facie* obvious.

Favorable consideration and early allowance are respectfully requested.

Respectfully submitted,

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